

EXPRESSING SENSE OF HOUSE ON PEACE PROCESS IN NORTHERN IRELAND

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 547) expressing the sense of the House of Representatives with respect to the peace process in Northern Ireland, as amended.

The Clerk read as follows:

H. RES. 547

Whereas the April 10, 1998, Good Friday Agreement established a framework for the peaceful settlement of the conflict in Northern Ireland;

Whereas the Good Friday Agreement stated that it provided "the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole";

Whereas the Good Friday Agreement provided for the establishment of an Independent Commission on Policing to make "recommendations for future policing arrangements in Northern Ireland including means of encouraging widespread community support for these arrangements";

Whereas the Independent Commission on Policing, led by Sir Christopher Patten, concluded its work on September 9, 1999, and proposed 175 recommendations in its final report to ensure a new beginning to policing, consistent with the requirements in the Good Friday Agreement;

Whereas the Patten report explicitly "warned in the strongest terms against cherry-picking from this report or trying to implement some major elements of it in isolation from others";

Whereas section 405 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as contained in H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106-113, and as contained in appendix G to such Public Law) requires President Clinton to certify, among other things, that the Governments of the United Kingdom and Ireland are committed to assisting in the full implementation of the recommendations contained in the Patten Commission report issued on September 9, 1999 before the Federal Bureau of Investigation or any other Federal law enforcement agency can provide training for the Royal Ulster Constabulary;

Whereas a May 5, 2000, joint letter by the British Prime Minister and the Irish Prime Minister stated that "legislation to implement the Patten report will, subject to Parliament, be enacted by November 2000";

Whereas on May 16, 2000, the British Government published the proposed Police (Northern Ireland) bill, which purports to implement in law the Patten report;

Whereas many of the signatories to the Good Friday Agreement have stated that the proposed Police (Northern Ireland) bill does not live up to the letter or spirit of the Patten report and dilutes or fails to implement many of the Patten Commission's key recommendations regarding accountability, such as, by limiting the Policing Board and Police Ombudsman's powers of inquiry, by failing to appoint a commissioner to oversee implementation of the Patten Commission's 175 recommendations and instead limiting the commissioner to overseeing those changes in policing which are decided upon by the British Government, and by rejecting the Patten Commission's recommendation that all police officers in Northern Ireland take an oath expressing an explicit commitment to uphold human rights;

Whereas Northern Ireland's main nationalist parties have indicated that they will

not participate or encourage participation in the new policing structures unless the Patten report is fully implemented; and

Whereas on June 15, 2000, British Secretary of State for Northern Ireland Peter Mandelson said, "I remain absolutely determined to implement the Patten recommendations and to achieve the effective and representative policing service, accepted in every part of Northern Ireland, that his report aimed to secure": Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the parties for progress to date in implementing all aspects of the Good Friday Agreement and urges them to move expeditiously to complete the implementation;

(2) believes that the full and speedy implementation of the recommendations of the Independent Commission on Policing for Northern Ireland holds the promise of ensuring that the police service in Northern Ireland will gain the support of both nationalists and unionists and that "policing structures and arrangements are such that the police service is fair and impartial, free from partisan political control, accountable...to the community it serves, representative of the society that it polices...[and] complies with human rights norms", as mandated by the Good Friday Agreement; and

(3) calls upon the British Government to fully and faithfully implement the recommendations contained in the September 9, 1999, Patten Commission report on policing.

The SPEAKER pro tempore (Mr. PITTS). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to support H. Res. 547. I joined as an original cosponsor of this bill, along with many on our committee and others from both sides of the aisle familiar with the problems in Northern Ireland.

In Northern Ireland last spring, the IRA's efforts at putting arms beyond use and having that verified by outside observers demonstrated their good faith. It made it possible for the power-sharing executive to run again and for real, peaceful democratic change.

As part of that arrangement to restore the executive, in May 2000 the British and Irish governments made a firm commitment to the nationalist community to fully implement the Patten Commission policing reforms that form a core portion of the Good Friday Accord for a new beginning in policing.

The British Government and the unionists have, so far, failed to show similar good faith. They firmly need to live up to their agreements in the Good Friday Accord, especially concerning real police reform as envisioned by the Patten Report of September 1999, a report consistent with the terms of the Good Friday Accord.

A 93 percent Protestant police force will not do in a nearly equally divided society. The British Government cannot put aside promised change and the Good Friday Accord for temporary tactical or political gain, for whatever reason. The Irish National Caucus and other Irish American groups here fully support this bill, as well as the SDLP, the largest nationalist Catholic party in the north of Ireland whose leader, John Hume, won the Nobel Peace Prize.

Seamus Mallon, the SDLP's deputy minister in charge of the executive, stated to our committee and said that failure to implement Patten policing proposals will have a damaging effect on the whole psyche of the fledgling political process.

□ 2030

We do not want this, nor can we afford this. The Washington Post noted in July that the onus remains on the British Government to respond to Catholic objections on its failure to fully implement all of Patten's police reforms, since these reforms were part of the agreement in the Good Friday Accord. To date, regrettably, they have not responded.

At hearings held last week by the gentleman from New Jersey (Chairman SMITH) of the Helsinki Commission, a Member of the Patten Commission, Dr. Gerald Lynch, the president of the John J. College of Criminal Justice in New York, told us that any significant modification of its recommendations "will deprive the people of Northern Ireland of this long-awaited police service capable of sustaining support from the community as a whole."

We also learned that the current Police Authority in the North has said it is "vital" that the police bill now before the British parliament to carry out Patten be amended.

Finally, a former adviser to the Northern Ireland secretary of state has also told us that the first draft of the bill "eviscerated Patten. The latest version presents a mostly bloodless ghost."

There must be policing reform as the Roman Catholic Church and as Nationalist Party leaders want, and are entitled to, as well as was agreed upon in the Good Friday Accord. The old Unionist "veto politics" must end.

I was proud to join as an original cosponsor of this resolution that was passed out of our Committee on International Relations without one objection. All Members of Congress want to see lasting peace and justice to take permanent hold in Northern Ireland, and we should act favorably on this proposal.

The resolution before us, Mr. Speaker, merely calls on the British Government to fully and faithfully implement the Patten Commission report, to which they agreed, both as part of the Good Friday Accord and the recent restoration of power sharing executive in the North.

If the British Government truly intends to do this, there is nothing for them to fear from this bill. If they are not serious about policing reform, then they are not in compliance with the Good Friday Accord, and the judgment of history will be rightfully harsh.

Now is the time for us to get it right and to fully support the Good Friday Accord.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to voice my support for House Resolution 547. I regret that such a resolution is necessary. However, the British Government's failure to fully implement the Good Friday Agreement and the Patten Commission report is an issue of great concern among many Members of this body and must be addressed.

I want to thank the gentleman from New York (Chairman GILMAN) for moving this measure along in an expeditious manner, and I want to thank my colleague and friend and cochair of the Ad Hoc Committee on Irish Affairs here in the House as well, the gentleman from Massachusetts (Mr. NEAL), for introducing this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, let me if I can at the outset thank the gentleman from New York (Mr. GILMAN) and thank the gentleman from Connecticut (Mr. GEJDENSON) and members of the Committee on International Relations for the expeditious manner in which they brought this piece of legislation that I authored to the floor.

Also I think to fully acknowledge that time and again on the issue of Ireland, there has been bipartisan support in this House of Representatives for the work that has occurred on this side of the ocean, as well as on that side of the ocean.

House Resolution 547, Mr. Speaker, simply urges the British Government to fully implement the Patten recommendations on police reform in the North of Ireland. The people on the island of Ireland support the Patten recommendations, not the Mandelson recommendations.

Let me give you a little bit of background, if I can, on this issue. Probably one of the most difficult problems that has confronted the people in the North of Ireland for the better part of the previous century was the issue of policing in a small state the size essentially of what we would know as Connecticut. But on May 21, 1998, the vast majority of the people of the island of Ireland

voted for what we know as the Good Friday Agreement. In unprecedented numbers, they said yes to the future, a future that would include justice, and a future that would include reconciliation between the two traditions that have resided on that island.

But as part of that Good Friday Agreement, there was a very special provision that cuts to the heart of the discussion that we are having this evening. It established an independent commission on policing that would make recommendations to the British Government and to the Irish Government. The notion was to create a new policing service capable of attracting and sustaining support from the community as a whole.

The Nationalist population currently comprises about 7 percent of the Royal Ulster Constabulary. That means that the Unionist community, which, by the way, represents about 54 percent of the people in the North, nonetheless constitutes 93 percent of the police force. The Nationalist community sees them as a force to keep them in line. Fundamentally, the issue of policing can change the whole complexion of the process in the North of Ireland that we know as the Good Friday Agreement.

Now, let me delve into this a bit more. On September 24, 1999, Chris Patten, a conservative member of the British parliament, was chosen to review the state of policing in the North of Ireland. He came back, and, listen to this number, Mr. Speaker, offered to not only take the politics out of policing in the North, but, just as importantly, offered 175 recommendations that included changing the name, changing the flag and emblems of the RUC, a new oath for all the officers, human rights training and a new policing board to be comprised of both communities. This evening this Chamber should be grateful for what Chris Patten did and the efforts that he extended on behalf of this fundamental issue.

Now, when he came to Washington at the request of the gentleman from New York (Chairman GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), he presented to us a very cogent plan for fundamentally restructuring the Royal Ulster Constabulary. What he said at that time essentially was this: do not allow my report to be cherry-picked. Precisely what is happening at this moment in the North of Ireland is the cherry-picking of Chris Patten's recommendations.

Now, I would remind all present, as well as those viewing across the country, that there was a democratic election which people in both traditions on both sides of the border voted for in overwhelming numbers.

So what we are saying essentially here is this, that we have had an agreement, we have had an election, and now we are going to move the goalposts back by another 10 yards, because that is what the Nationalist community will deem this intransigence to be.

Everybody in the British Isles has concluded that there has to be a funda-

mental reform of policing in the North of Ireland. Secretary Mandelson's position, however, has been to come back and say, we know better, we know more. We have decided that, despite what Chris Patten said, despite the Patten recommendations, despite an election, that we are now going to compromise the very notion of fully integrating the police service or police force in the North of Ireland.

What is difficult for most of us to digest in this process is essentially this: if we are to go back to the recommendations that Patten made and essentially say we cannot sell them politically now, it invites both sides to say, let us reopen the Good Friday Agreement.

Now, George Mitchell deserves enormous credit for his good and patient work. Bill Clinton deserves great credit for his work. Republicans like the gentleman from New York (Mr. GILMAN) and others deserve credit for their work. This has always been bipartisan in nature.

Let me, if I can for a second, read a statement that Vice President Gore has asked me to offer on his behalf: "I also want to make clear my position on the Patten Commission's recommendations for police reform in Northern Ireland. I urge the British government to fully and expeditiously implement these recommendations. The goal of the Patten Commission's recommendations is to take politics out of policing and to create a police service in Northern Ireland that meets the highest possible standards and that enjoys the support of both communities."

Now, I would submit tonight, Mr. Speaker, that if we are to head back to a reopening of the Good Friday Agreement, canceling the provisions of the Good Friday Accord, we are going to invite the rejectionists to step forward. I would ask the rejectionists of the Good Friday Agreement a very simple question: tell us your alternative. You have always had great moments of outlining what you are against; we would like you to tell what your competing proposal is on behalf of what you are for.

It becomes very obvious to all of us who have been in this process, myself included, for more than two decades, that they really have no alternative to the Good Friday Agreement. They are going to continue to chip away at the edges, they are going to continue to be naysayers, they are going to continue to criticize all of the parties that have brought us to this moment. But the point tonight to remember is this, they provide no viable alternative.

There is no option, that I am aware of, other than the Good Friday Agreement. It has met the test of time, it enjoys support across the island; and if we are to say tonight that the Patten Commission recommendations are to be, as Chris Patten said, cherry-picked or taken apart, then what is to prevent the next party from standing and saying, we do not like this part of the Good Friday Agreement?

□ 2045

The term "royal" should be taken out of police service. Members of the Nationalist community do not want to swear allegiance to the Queen upon taking the oath for joining its police service. Chris Patten understood that; Tony Blair understood that. That was part of this far-reaching agreement, that they would not have to swear allegiance to the Queen to join the police service. Instead, they would take an oath of office similar to the one that patrolmen and patrolwomen across this Nation take upon entering that service, simply acknowledging your duties.

I would submit tonight, Mr. Speaker, to Members that are going to have a chance to go at this later on, that my words do not ring hollow on this occasion. If we allow any part of the Patten Commission recommendations to be undone, we invite the naysayers and the rejectionists to step to the floor to fill the vacuum. We have to push them aside and make them in free elections tell the people what they are for or what they are against, as opposed to sitting in the inexpensive seats and telling all of us how wrong we have been all along the way.

Mr. Speaker, I want to thank the Members assembled here this evening again for their steadfastness.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Massachusetts (Mr. NEAL) for his kind supporting words for this resolution. The gentleman has been a long-time leader in the Irish cause in the Congress.

Mr. Speaker, I am pleased to yield 6½ minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of the Subcommittee on International Operations and Human Rights of the Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN) for his leadership on this very important issue, as well as the gentleman from Massachusetts (Mr. NEAL), the gentleman from New York (Mr. CROWLEY), and my good friend, the gentleman from New York (Mr. KING), who has been indefatigable for many years on this important issue.

Mr. Speaker, I think the gentleman from Massachusetts (Mr. NEAL) is right in pointing out that this is a bipartisan effort, and we are trying to send a clear non-ambiguous message to the British Government that we are looking at their policing bill, that we looked at it very carefully, and it falls far, far short.

Last Friday, as chairman of the Subcommittee on International Operations and Human Rights and as chairman of the Helsinki Commission, I held my sixth hearing in a series of hearings which have delved into the status of human rights in the North of Ireland and the deplorable human rights record of the Royal Ulster Constabulary, the RUC, Northern Ireland's police force.

Our panel of experts were emphatic about the gap that exists between the recommendations of the Patten Commission on policing reform and the bill that the British Government has now put forth in their attempt to comply with the Good Friday Agreement's instructions to "craft a new beginning to policing."

Professor Brendan O'Leary, one of our witnesses from the London School of Economics and Political Science, testified that the pending police bill is, quote, "a poorly disguised facade" that does not implement the Patten report. He said it was, and I quote again, "mendaciously misleading" for Northern Ireland's Secretary of State, Peter Mandelson, to suggest that his government's bill implements the Patten report.

Professor O'Leary reported that the bill improved at the Commons stage, yet he testified that the British government's bill is still very "insufficient." He called it a "bloodless ghost" of Patten and referred to it as "Patten light."

Similarly, Martin O'Brien, the great human rights activist and the Director of the Committee on Administration of Justice, an independent human rights organization in Belfast, expressed his organization's, quote, "profound disappointment at the developments since the publication of the Patten report." He said that "only a third or less of Patten's recommendations resulted in proposals for legislative change."

Mr. O'Brien reported that "a study of the draft seems to confirm the view that the British government is unwilling," his words, "to put Patten's agenda into practical effect." He called it "a very far cry from the Patten report" and said "despite much lobbying and extensive changes in the course of the parliamentary process to date, there is still a very long way to go."

Elisa Massimino, from the Lawyer's Committee for Human Rights, testified that the bill "falls far short of the Patten recommendations" and she pointed to many discrepancies to illustrate this. And Dr. Gerald Lynch, the President of John Jay College of Criminal Justice in New York and an American appointee to the Patten Commission, restated the Commission's unanimous support for full implementation and warned, in his words, "that the recommendations should not be cherry picked but must be implemented in a cohesive and constructive manner."

Mr. Speaker, the witnesses at last week's hearings, as well as witnesses at previous hearings, as well as in correspondences that we have all received and in the meetings that we have had throughout this Capitol and in Belfast and elsewhere, policing has been the issue. In fact last year we had Chris Patten himself and the U.N. Special Rapporteur to Northern Ireland, Param Cumaraswamy, speak to our subcommittee. They too pointed to police reform as the essence of real reform in Northern Ireland.

It is critical to note, then, that despite the progress to date, the British government is at a critical crossroads on the path to peace in Northern Ireland. The British government has the sole opportunity and responsibility for making police reform either the linchpin or the Achilles heel of the Good Friday Agreement.

Accordingly, our legislation today calls upon the British government to fully and faithfully implement the recommendations contained in the Patten Commission report. The bill is the culmination of years of work in terms of trying to get everyone to the point where they have a transparent police force that is not wedded to secrecy and cover-up of human rights abuses.

Mr. Speaker, H. Res. 547 does get specific. It points out that the police bill in parliament limits the powers of inquiry and investigation envisioned by the Patten report for the Policing Board and the police ombudsman. Remarkably, the police bill gives the Secretary of the State of Ireland a veto authority to prevent a Policing Board inquiry if the inquiry "would serve no useful purpose." That just turns the bill into a farce, Mr. Speaker.

The British government also prohibits the Policing Board from looking into any acts that occurred before the bill was enacted. The British government's bill also denies the ombudsman the authority to investigate police policies and practices and restricts her ability to look at past complaints against police officers. And the bill restricts the new oversight commissioner to assessing only those changes the British government agrees to, rather than overseeing the implementation of the full range of the Patten recommendations.

Mr. Speaker, when Mr. Patten met with our committee, I and many others expressed our disappointment that his report contained no procedure whatsoever for vetting RUC officers who committed human rights abuses in the past. That said, we took some comfort that the Commission at least recommended that existing police officers should affirmingly state a willingness to uphold human rights. Now we learn that the British government's bill guts even this minimalist recommendation.

Mr. Speaker, let me just conclude, and I ask that my full statement be made a part of the RECORD. Two years ago this week, human rights defense attorney Rosemary Nelson testified before my subcommittee expressing her deepest-held fear that the RUC, which had made numerous death threats against her and her family through her clients, would one day succeed and assassinate her. The U.N. Special Rapporteur testified at the hearing that he was satisfied that there was truth to those allegations that defense attorneys were harassed and intimidated by members of the RUC.

As we sadly all know today, Rosemary Nelson was killed, the victim of an assassin's car bomb just 6 months

after she asked us to take action to protect defense attorneys in Northern Ireland. Her murder is now being investigated in part by the RUC, the police force that she so feared. If the British government's police bill continues to reject mechanisms for real accountability, we may never know who killed Rosemary Nelson or defense attorney Patrick Finucane. And sadly the police force may never be rid of those who may have condoned, perhaps helped cover up, or even took part in some of the most egregious human rights abuses in Northern Ireland.

Mr. Speaker, let us have a unanimous vote for this resolution and send a clear message to our friends on the other side of the pond that we want real reform and that real police reform is the linchpin to the Good Friday Agreement.

Last Friday, as Chairman of the International Operations and Human Rights subcommittee and as Chairman of the Helsinki Commission, I held my sixth hearing in a series of hearings which have delved into the status of human rights in the north of Ireland and the deplorable human rights record of the Royal Ulster Constabulary, Northern Ireland's police force.

Our panel of experts was emphatic about the gap that exists between the recommendations of the Patten Commission on policing reform and the bill that the British government has now put forth in their attempt to comply with the Good Friday Agreement's instruction to craft "a new beginning to policing."

Professor Brendan O'Leary from the London School of Economics and Political Science testified that the pending Policing Bill is "a poorly disguised facade" that does not implement the Patten report. He said it was "mendaciously misleading" for Northern Ireland's Secretary of State, Peter Mandelson, to suggest that this government's bill implements the Patten report.

Professor O'Leary reported that the bill was improved at the Commons stage, yet he testified that the British government's bill is still "insufficient". He called it a "bloodless ghost" of Patten and referred to it as "Patten light."

Similarly, Martin O'Brien, Director of the Committee on the Administration of Justice, an independent human rights organization in Belfast, expressed his organization's "profound disappointment at the developments since the publication of the Patten report." He said that "only a third or less of Patten's recommendations resulted in proposal for legislative change."

Mr. O'Brien reported that "a study of the draft to confirm the view that government is unwilling to put Patten's agenda into practical effect." He called the bill "a very far cry from the Patten report" and said "despite much lobbying and extensive changes in the course of the parliamentary process to date, there is still a long way to go."

Elisa Massimino, from the Lawyer's Committee for Human Rights, testified that the bill "falls far short" of the Patten recommendations. And Dr. Gerald Lynch, the President of John Jay College of Criminal Justice in New York and an American appointee to the Patten Commission, restated the Commissions unanimous support for full implementation and warned that "the recommendations not be

cherry picked but be implemented in a cohesive and constructive manner."

Mr. Speaker, the witnesses at last week's hearing, as well as witnesses at previous hearings—including Patten himself and U.N. Special Rapporteur to Northern Ireland, Param Cumaraswamy—have all pointed to police reform as the essence of real reform in Northern Ireland. It is critical to note, then, that despite the progress to date, the British government is at a critical crossroads on the path to peace in Northern Ireland. The British government has the sole opportunity—and responsibility—for making police reform either the linchpin—or the Achilles' heel—of the Good Friday Agreement.

Accordingly, our legislation today calls upon the British Government to fully and faithfully implement the recommendations contained in the Patten Commission report on policing. Our bill is the culmination of our years of work and it is our urging of an ally to do what is right for peace in Northern Ireland.

H. Res. 547 does get specific. It now contains language which I offered at the Committee stage to highlight a few of the most egregious examples where the proposed Police Bill does not live up to either the letter or the spirit of the Patten report. For instance, the Police Bill, as currently drafted, limits the powers of inquiry and investigation envisioned by the Patten report for the Policing Board and the Police Ombudsman. Remarkably, the Police Bill gives the Secretary of State for Northern Ireland a veto authority to prevent a Policing Board inquiry if the inquiry would "serve no useful purpose." The bill completely prohibits the Policing Board from looking into any acts that occurred before the bill is enacted.

The British Government's Police Bill also denies the Ombudsman authority to investigate police policies and practices and restricts her ability to look at past complaints against police officers. And the bill restricts the new oversight commissioner to assessing only those changes the British Government agrees to rather than overseeing the implementation of the full range of Patten's recommendations.

When Mr. Patten himself met without subcommittee, I and many others expressed our disappointment that his report contained no procedure for vetting RUC officers who committed human rights abuses in the past. That said, we took some comfort that the Commission at least recommended that the existing police officers should affirmatively state a willingness to uphold human rights. Now we learn that the British Government's bill guts even this minimalist recommendation.

Many of the reforms that the Patten Commission recommended, such as those addressing police accountability or the incorporation of international human rights standards into police practices and training, are not issues that divide the nationalist and unionist communities in Northern Ireland. One must ask then, who it is that the Northern Ireland Secretary of State is trying to protect or pacify by failing to implement these recommendations.

Our witnesses concluded that the British Government is hiding behind the division between unionist and nationalists on other issues—such as what the police service's name and symbols will be—to avoid making changes in accountability structures and human rights standards for the police. According to Mr. O'Brien, "these constraints are there

apparently to satisfy the concerns of people already in the policing establishment who don't want change and don't want the spotlight shown on their past activities or future activities."

In other words, the future of Northern Ireland is being held captive to the interests of the very police service and other British Government security services that the Good Friday Agreement sought to reform with the creation of the Patten Commission.

Mr. Speaker, there should be no doubt about the importance of policing reform in Northern Ireland as it relates to the broader peace process. Mr. O'Brien testified that "the issue of resolution of policing and the transformation of the criminal justice system are at the heart of establishing a lasting peace." Dr. Gerald Lynch restated Chris Patten's oft-repeated statement that "the Good Friday Agreement would come down to the policing issue."

Professor O'Leary's comments were even more somber. He said:

In the absence of progress on Patten . . . we are likely to see a stalling on possible progress in decommissioning, minimally, and maximally, if one wanted to think of a provocation to send hard line republicans back into full scale conflict, one could think of no better choice of policy than to fail to implement the Patten report . . . I think disaster can follow . . . and may well follow from the failure to implement Patten fully.

Both the nationalist and unionist communities supported the Good Friday Agreement and all that it entailed—including police reform. The people of Northern Ireland deserve no less than a police service that they can trust, that is representative of the community it serves, and that is accountable for its actions.

In conclusion Mr. Speaker, let me point out to my colleagues that it was two years ago this week that human rights defense attorney Rosemary Nelson testified before my subcommittee expressing her deepest held fear that the RUC, which had made death threats to her and her family through her clients, would one day succeed and kill her. The U.N. Special Rapporteur, Para Cumaraswamy testified at the same hearing that after his investigation in Northern Ireland, he was "satisfied that there was truth in the allegations that defense attorneys were harassed and intimidated" by members of the RUC.

As many people know, Rosemary Nelson was killed—the victim of an assassin's car bomb just six months after she asked us to take action to protect defense attorneys in Northern Ireland. Her murder is now being investigated, in part, by the RUC—the police force she so feared. If the British government's Police Bill continues to reject mechanisms for real accountability, we may never know who killed Rosemary Nelson, and defense attorney Patrick Finucane. And sadly the police force may never be rid of those who may have condoned, helped cover-up, or even took part in some of the most egregious human rights abuses in Northern Ireland.

I strongly urge my colleagues to support this measure before us today in order to express in the strongest terms possible to the British government our support for implementation of the full Patten report and its very modest recommendations for a "new beginning in policing."

STATEMENT OF GERALD W. LYNCH, PRESIDENT, JOHN JAY COLLEGE OF CRIMINAL JUSTICE, THE CITY UNIVERSITY OF NEW YORK, BEFORE THE COMMISSION ON SECURITY AND CO-OPERATION IN EUROPE (THE HELSINKI COMMISSION), SEPTEMBER 22, 2000

Mr. Chairman and distinguished members of the Commission on Security and Cooperation in Europe. I want to thank you for the opportunity to present testimony regarding the work of the Independent Commission on Policing for Northern Ireland, commonly known as the Patten Commission. I would like to discuss the Policing Bill which is before the British Parliament.

When I was introduced to the then Secretary of State for Northern Ireland, Mo Mowlam, she said to me: "How did you get Ted Kennedy and Ronnie Flanagan to agree on you? (Sir Ronnie Flanagan is the Chief Constable of the Royal Ulster Constabulary.) I told the Secretary that I believed they agree on me because John Jay College has provided training around the world emphasizing human rights and human dignity. Moreover, John Jay has had an exchange of police and faculty for 30 years with the British police, and for more than 20 years with the Garda—as well as an exchange with the R.U.C. for over 20 years. Over that time there had been hundreds of meetings and interactions among British, Irish and American police and criminal-justice experts. The continuing dialogue had generated an exchange of ideas and technology that was totally professional—and totally non-partisan.

Many of John Jay's exchange scholars have risen to high ranks in Britain, Ireland and America. The current Commissioner of the police of New Scotland Yard, Sir John Stevens, was the exchange scholar at John Jay for the Fall of 1984.

I am honored to have been selected to be a member of the Patten Commission.

The Patten Report states that: "the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole . . . cannot be achieved unless the reality that part of the community feels unable to identify with the present name and symbols associated with the police is addressed. . . . our proposals seek to achieve a situation in which people can be British, Irish or Northern Irish, as they wish, and all regard the police service as their own.

We therefore recommend:

The Royal Ulster Constabulary should henceforth be named the Northern Ireland Police Service.

That the Northern Ireland Police Service adopt a new badge and symbols which are entirely free from any association with either the British or Irish states (We note that the Assembly adopted a crest acceptable to all parties, namely, the symbol of the flax)

That the union flag should no longer be flown from police buildings

That, on those occasions on which it is appropriate to fly a flag on police buildings, the flag should be that of Northern Ireland Police Service, and it, too, should be free from association with the British or Irish states."

The Patten Commission worked for 15 months. We sought the best professional models and practices for policing a divided society in a democracy. We held meetings not only in Belfast, Dublin, and London but in New York, Washington, California, Canada, Belgium, Spain and South Africa. From the beginning, we met with the police, clergy, politicians, civil-libertarians and community groups. We went to police headquarters. We visited every police sub-station in Northern Ireland. We literally talked to thousands of police officers.

We held 40 hearings throughout Northern Ireland—the first and only time such a commission went directly to the public. These hearings were extremely tense. More than 10,000 people attended. More than 1,000 spoke. Emotions ran high as they described past cruelties and allegations of murder, torture and brutality on both sides.

We listened. We heard the pain. We felt the suffering. We understood the need to move on to a solution to help forge a future in Northern Ireland that involved more than endless re-creations of the terrible past.

We realized early in our deliberations that whatever we recommended would need to pass muster not just in Britain and Ireland but with police organizations worldwide.

Chris Patten said of his work on the Commission: "It was the most difficult, painful, and emotionally draining thing I have ever done or would ever wish to do." I concur completely.

The Patten report provides a framework on which a police service built on a foundation of human rights can be achieved. Again I quote, "We recommended a comprehensive program of action to focus policing in Northern Ireland on a human rights-based approach.

Training will be one of the keys to instilling a human rights-based approach into both new recruits and experienced police personnel. We recommend that all police officers, and police civilians, should be trained . . . in the fundamental principles and standards of human rights and the practical implications for policing. . . . We recommend the human rights dimension should be integrated into every module of police training".

Another core issue which has not received the attention of the media is the Patten Commission's recommendation that a new police college be established in Northern Ireland. Central to any organizations ability to imbue its members with a focus on human rights is a facility at which to conduct the necessary work and an appropriate curriculum. An educated police officer is a better police officer.

The Patten Report stated: "as a matter of priority, . . . all members of the police service should be instructed in the implications for policing of the Human Rights Act 1998, and the wider context of the European Convention on Human Rights and the Universal Declaration of Human Rights. Human dignity training, along the lines of that offered by John Jay College in New York to the New York Police Department and police services from some fifty countries, should also be provided. Like community awareness training, human rights and human dignity should not be seen as an add-on to training, but as a consideration affecting all aspects of training." (Chapter 16.21)

The recommendations of the Patten Commission were unanimous. It is crucial that the recommendations not be cherry picked but be implemented in a cohesive and constructive manner. The people of Northern Ireland deserve no less than this new beginning for policing. Any significant modifications will deprive them of this long awaited police service capable of sustaining support from the community as a whole.

STATEMENT BY MARTIN O'BRIEN, COMMITTEE ON THE ADMINISTRATION OF JUSTICE, BELFAST, BEFORE THE U.S. CONGRESS REGARDING POLICING IN NORTHERN IRELAND, FRIDAY, 22 SEPTEMBER 2000

Thank you for your invitation to testify today. The Committee on the Administration of Justice (CAJ) is an independent human rights organisation which draws its membership from across the different communities in Northern Ireland. CAJ works for

a just and peaceful society where the human rights of all are fully protected. In recognition of its efforts to place human rights at the heart of the peace process, CAJ was awarded the 1998 Human Rights Prize by the then 40 Member States of the Council of Europe. We have a broad remit which covers many conflict-related issues such as prisoners, emergency law, miscarriages of justice, and also issues such as fair employment, the rights of women and children, people with disabilities, and the need for effective government action to prevent racial discrimination.

Since our foundation in 1981, we have worked consistently on issues of policing and, as early as 1995, CAJ argued for an independent international commission to look into future policing in Northern Ireland. Accordingly we worked hard to ensure that the establishment of such a body would be provided for in the Good Friday Agreement. We welcomed the broad terms of reference given to the Commission by the Agreement, and sought to work constructively with the Commission as soon as it came into being, under the chairmanship of the Chris Patten. We were fortunate in that we had earlier secured funding from the Ford Foundation and others to undertake a major comparative research project into good policing around the world. The findings arising from that study underpinned all our work with the Commission and were, we believe—from a reading of the recommendations—useful to the Commission in its work.

In testimony in September 1999 to Congress on the findings of the Patten Commission, we concluded that: "CAJ believes that, in general terms, the Commission has made a very genuine and constructive effort to meet the difficult task imposed on it by the Agreement. They have put forward many thoughtful and positive recommendations about the way forward. Most importantly of all, they have recognized (as did the Agreement itself) that just as human rights must be at the heart of a just and peaceful society in Northern Ireland, it must be at the heart of future policing arrangements."

CAJ went on, however, to outline for Congress, some of the serious reservations we, and other human rights groups, had regarding the omissions from the Patten report. Amongst other things, we expressed concern as to the feasibility of bringing about real changes to policing if emergency powers are still retained, if plastic bullets are still deployed, and if officers, known to have committed human rights abuses in the past, remain as serving officers.

Despite these important shortcomings, however, the main thrust of our submission at that time was to urge Congress to use its best offices to push for speedy implementation of the positive recommendations arising from Patten. Though Patten's recommendations did not address everything that was needed for genuine change, they gave a clear framework within which change could occur, and they pointed all those interested in fundamental reform in the right direction.

Unfortunately, as we said in our earlier testimony "implementation is everything", and in that context, CAJ must report to Congress our profound disappointment at developments since the publication of the Patten report. Our concerns about implementation are twofold. First, many of the changes Patten called for are long over-due, and speed is of the essence. Second, and as important, a hesitant or unwilling approach to major change—which is what we are experiencing—feeds fears that change will be short-lived, and indeed will be under-mined over the longer term.

One of the key findings of our earlier international research was that political will is

always a determining factor in preventing or facilitating successful change. Initially, it seemed to observers that the necessary political will did in fact exist within government for change. Yet, since the publication of the Patten report, the signs have been ominous.

Patten called for the speedy appointment of an Oversight Commissioner to oversee the pace and nature of change. The Commission said "we believe that a mechanism is needed to oversee the changes required of all those involved in the development of the new policing arrangements, and to assure the community that all aspects of our report are being implemented and being seen to be implemented". This recommendation was accepted by government, but Tom Constantine was only appointed on 31 May 2000—almost nine months after the Patten report was published. This tardy appointment meant that the Commissioner was excluded from scrutinising the draft legislation, played no part in the detailed Implementation Plan prepared by the Northern Ireland Office and the policing establishment, and has still to appoint staff, take on a public profile, and produce his first report.

Given this delay, any change that has taken place to date has been dictated by those who have been responsible for policing over the last 30 years and who have resisted change in the past. Only a third or less of Patten's recommendations resulted in proposals for legislative change, so that the vast majority of the programme of change has been left to the discretion of senior civil servants, and the Chief Constable. Indeed, much of the change—whether in terms of police training, police re-organisation, or in terms of crucial decisions relating to Special Branch, detention centres, the use of plastic bullets, or the extent of stop-and-search activities—lies largely at the discretion of the Chief Constable alone. Only with the appointment of a new Policing Board (the political composition of which is as yet uncertain), and/or an active and high profile Oversight Commissioner, will people outside the policing establishment be able to influence or assess the extent of real change underway.

The slowness in appointing an external Oversight Commissioner has left government open to the charge that the nature and pace of change has been deliberately left in the hands of those who have so mis-managed policing in the past. This charge is not easily refuted. A study of the draft legislation, for example, merely seems to confirm the view that government is unwilling to put Patten's agenda into practical effect. The draft legislation first presented to the House of Commons in May was a very far cry from the Patten report, and despite much lobbying, and extensive changes in the course of the parliamentary process to date, there is still a long way to go. (I would like, with the Chair's permission, to have read into the record two commentaries on the legislation. One is a short CAJ briefing on the major outstanding concerns in the policing legislation, and the other is a detailed series of amendments which CAJ believes must be introduced if the legislation is to faithfully reflect Patten).

Of course, to judge by official government statements, one would have thought that government was fulfilling Patten in its first draft legislative text in May. The same claim—to be fulfilling Patten—was still being asserted in July (when, by its own admission, it had already made 52 substantive changes to bring the initial draft in line with Patten). Further amendments have again been promised in the next few weeks, prior to the House of Lords debate. However, on the basis of CAJ's understanding to date, the changes that are to be offered will still not deliver the Patten agenda.

If government does want to implement Patten, as it says it does, why is it still resistant to a whole range of important safeguards which Patten called for? Why is it impossible to get government agreement to include explicit reference in the legislation to a broad range of international human rights norms and standards? What reason can there be for the government denying any role to the NI Human Rights Commission in advising on the police use of plastic bullets? Why are effective inquiry powers for the Policing Board consistently opposed? Why is the Secretary of State so adamant that the Police Ombudsperson cannot have the powers to investigate police policies and practices that Patten called for? Why was the appointment of the Oversight Commissioner so long delayed, and why is his term of office so curtailed in the legislation?

There will be some that claim that government cannot move fast on certain issues, precisely because Northern Ireland is divided, and policing is a very divisive issue. While there are, of course, many contentious issues (the name and symbols, for example), none of the important issues listed above divide nationalist and unionist. They do, however, clearly divide those who want to defend the status quo, from those who want a police service that is impartial, representative, and accountable—able and willing to ensure that the rule of law is upheld.

Some of the obstacles to real change can be detected by a study of the parliamentary record. A government minister, in the course of the Commons debate, resisted any amendments that sought to make policing subject to international human rights and standards. He said: "Some appalling human rights abuses . . . take place around the world. Those low standards should not be compared with the past activities of the RUC . . . The RUC carried out a difficult job, often in impossible circumstances. Such comparisons as might be made in the light of the amendment could cause unnecessary offense. We might reasonably say that, against the norms in question, the RUC has a good record on human rights". Government appears to reject out-of-hand the many past reports of the United Nations, and respected international non-governmental organizations, which criticised the RUC. This stance presumably explains the legislation's failure to address the legacy of the past. Yet, if government is unwilling to admit past problems, can the necessary change occur?

CAJ's fears about the pace and nature of policing change are further heightened by the government's approach to the separate but complementary Chemical Justice Review (also established as part of the Good Friday Agreement). The interrelationship between policing and the criminal justice system is self-evident. Accordingly, it is extremely disturbing to have to report to Congress that CAJ has serious concerns about the nature and pace of change proposed in the criminal justice sphere also. A new appointment system for judges, changes to the prosecution service, and a re-vamping of the criminal justice system generally, are long-overdue changes. The government timetable clearly does not recognise any urgency; CAJ, however, feels that Northern Ireland cannot afford any further delay.

Of course, change is inevitably difficult; and change of the scale and nature required in Northern Ireland is particularly difficult. We urge the US Congress to use its best endeavours to lend its support to the UK and Irish governments as they work, with local politicians, to develop a more just and peaceful society in Northern Ireland. In particular, we hope that Congress would work, both directly, and—as appropriate—in conjunction with the US Administration, to:

1. Urge the Prime Minister, Tony Blair, to amend the draft legislation to ensure that it reflects both the letter and spirit of Patten. Urge that the legislation conform in particular, to Patten's exhortation that "the fundamental purpose of policing should be, in the words of the Agreement, the protection and vindication of the human rights of all". Congress should make it clear that future US-UK policing cooperation is dependent to a large extent on Patten's recommendations being fully implemented.

2. Congress should urge the UK and Irish governments to recognise the importance of greater external oversight of the transition process, and ask that the Oversight Commissioner be accorded the resources and remit necessary to this vital work.

3. Congress should commit itself to monitoring developments closely in the coming months, and urge the US Administration to do the same. Congress may, for example, want to consider holding further Hearings in due course to receive a progress report on developments.

To conclude, I hardly need to remind the Chairperson that, defence lawyer and CAJ executive member, Rosemary Nelson, testified before him and other members of Congress on issues of policing almost two years ago—on the 29 September 1998.

The concerns she raised in her testimony, her terrible murder a short while later, and the subsequent police investigation, remind us—if we need reminding—that policing change in Northern Ireland is not an abstract or intellectual debate. It is about the lives of real people. We must bring about policing change in Northern Ireland; and we must ensure that that change is right.

Everything that the US Congress can do to help those of us on the ground secure such change will, as always, be greatly appreciated.

Thank you.

TESTIMONY OF ELISA MASSIMINO, DIRECTOR, WASHINGTON OFFICE, LAWYERS COMMITTEE FOR HUMAN RIGHTS, ON PROTECTING HUMAN RIGHTS AND SECURING PEACE IN NORTHERN IRELAND: THE VITAL ROLE OF POLICE REFORM, SEPTEMBER 22, 2000

I. INTRODUCTION

Chairman Smith and members of the Commission, thank you for inviting me to testify today. You have been a true champion of human rights in the Congress, and you and your dedicated staff have done so much to shine a spotlight on human rights problems in Northern Ireland and around the world. Your leadership on these issues has made a real difference. We want to take this opportunity to commend you for this important work, and to thank you.

The Lawyers Committee for Human Rights has been working to advance human rights in Northern Ireland since 1990. We have published a number of reports about the intimidation and murder of defense lawyers in Northern Ireland, with particular focus on the cases of solicitors Patrick Finucane and Rosemary Nelson. As you know well, the precarious situation of defense lawyers in Northern Ireland is closely linked to the emergency law system and to the conduct of the police. For the last year and a half, we have paid special attention to the peace process in Northern Ireland and, in particular, the central issue of police reform. We appreciate the opportunity to be here today to share with you our views on the status of efforts by the British Government to implement the recommendations made by the Patten Commission.

II. THE PATTEN COMMISSION RECOMMENDATIONS AND THE PENDING POLICE BILL

The Patten Commission's mandate was as ambitious as it was critically important to

Northern Ireland's future. The Good Friday Agreement called on the Commission to propose a new structure for policing in Northern Ireland that would make the police service accountable, representative of the society in policies and reflective of principles of human rights. (The Agreement, Policing and Justice, para. 2)

Although we were disappointed that the Patten Commission did not directly address some key issues, such as the continued use of emergency powers, which provides the breeding ground for many of the human rights abuses that persist in Northern Ireland, we believe that, on the whole, the Patten Commission successfully integrated human rights principles into its program for reform. The Patten Commission Report provides a clear roadmap for building an effective and publicly-supported police force. If the British Government were to fully implement the Patten Commission's recommendations, it could make Northern Ireland a model for other civil societies transitioning from conflict to peace.

But unfortunately, the British Government has taken a different path. Despite more than 50 substantive amendments, the bill now pending in Parliament that is meant to implement the Patten Commission recommendations falls far short of doing so. There are serious deficiencies in the legislation now under consideration, many of which have been discussed in detail by my colleagues on this panel. But I would like to highlight three issues regarding the Police Bill that are of particular concern to the Lawyers Committee for Human Rights because they directly undermine the central principles of accountability and human rights around which the Patten Commission recommendations revolve. Last month in a letter to Peter Mandelson, the Secretary of State for Northern Ireland, we raised these and other concerns in detail. I would like to submit a copy of that letter, dated August 16th, for your review and for the record.

A. Limitations on the policing board and police ombudsman

The Policing Board and the Police Ombudsman are entities intended to be responsible for monitoring police conduct. The current Police Bill, however, places crippling limitations on these bodies that would significantly reduce their effectiveness. For example, the Bill would undermine the Policing Board's ability to conduct reviews of ongoing police operations. Likewise, the Bill fails to clearly provide the authority for the Police Ombudsman to investigate police practices and policies, in addition to allegations of past abuse. A credible system of investigation and inquiry into alleged abuses and abusive practices is one of the best guardians against such practices. But if the Police Bill is approved in its current form, with significant limitations on the powers of the Policing Board and Ombudsman, the capacity for creating such a system will be severely limited.

B. The oversight commissioner

Implementation of the Patten Commission reforms was thought by no one to be a simple task, which is why the position of Oversight Commissioner was viewed as so important. But the long delay in appointing an individual to serve in that post, and the limitations that have been placed on his mandate, create formidable barriers to his effectiveness. In part due to the delay in his appointment, the Oversight Commissioner has played no role in the process of drafting the Police Bill. The British Government published its Implementation Plan before the Oversight Commissioner was even appointed; the RUC likewise came up with its own "Programme for Change" with no input from

the Oversight Commissioner. These two documents, which purport to guide the implementation of the Patten Commission recommendations, appear now to be the measuring stick by which the Oversight Commissioner intends to judge implementation. And yet these plans—the Government's and the RUC's—do not themselves fully implement the Patten Commission recommendations. This seems to us to relegate the role of the Oversight Commissioner to that of making sure that the police follow through on the changes they decide they want to undertake—a far cry from ensuring that the Patten Commission reforms are truly implemented.

C. Reference to international human rights standards

Although the British Government has repeatedly asserted that it "recognizes the importance of human rights," its ongoing resistance to inserting reference to international human rights standards into the language of the Police Bill raises serious questions. The conduct of police in Northern Ireland has been the subject of numerous reports by non-governmental human rights organizations and UN bodies, including by Dato' Param Cumaraswamy, the UN Special Rapporteur on the Independence of Judges and Lawyers. Many of these reports have concluded that police conduct in Northern Ireland violates internationally recognized human rights standards. Chairman Patten, in his statement accompanying the release of the Commission's report, highlighted the central importance of human rights standards to the Commission's approach to police reform: "We recommend a comprehensive programme of action to focus on policing in Northern Ireland on a human rights-based approach. We see the upholding of fundamental human rights as the very purpose of policing, and we propose that it should be instilled in all officers from the start—in the oath they take, in their training, and in their codes of practice and in their performance appraisal system." In light of this clear statement of the human rights foundations of the Patten Commission's recommendations, the failure to incorporate reference to international human rights standards into the Police Bill is striking.

The failure of the British Government to adequately address these concerns with the Police Bill, combined with the slow pace of other reform measures, has already led to an erosion of confidence in the ongoing process and doubts about the Government's intentions. Many who support reform have begun to wonder whether the Government is abandoning its stated intention to fully implement the Patten Commission recommendations. This perception will have serious consequences for the long-term prospects for peace. For example, under the Patten Commission proposals, 600 police officers were supported to volunteer to retire by the end of next month. This proposal was based on the assumption that adequate compensation would be offered as an incentive to retire. But so far, only 91 officers have come forward to volunteer. According to a Police Federation spokesman quoted in a recent article in the Daily Telegraph, the Government has stated that no officer should benefit beyond the sum they would earn if they remained on the force. When the Police Federation asked the Government what incentive this would give officers to retire, they were not given a credible answer. I would ask that a copy of this September 10th article be included in the record of this hearing.

III. BREAKING THE CYCLE OF IMPUNITY

As so many societies transitioning from conflict to peace have learned, building a culture of human rights and accountability

will require having a process for addressing past violations. Because we believe that future progress in developing a rights-sensitive police force in Northern Ireland depends on breaking the existing cycle of impunity, we urged the Patten Commission to make recommendations to the British Government in two specific cases: the 1989 murder of Patrick Finucane and the murder of Rosemary Nelson last year. We regret that the Commission's report was silent with respect to these cases. While we understand Mr. Patten's conclusion that the Commission's work was "forward-looking," our own experience in situations such as these has been that societies cannot reconcile until the legacy of past abuses is squarely confronted. Although it is clear that not all of these abuses can be addressed or rectified, there are certain cases that embody the most profoundly entrenched practices and problems that the peace process seeks to overcome. If a solid foundation for the future is to be laid, these cases must be resolved.

For this reason, we urge the Helsinki Commission to continue its vigilant attention to the Finucane and Nelson case, at the same time as it examines broader reforms proposed by the Patten Commission. Because I know you share our keen interest in these two cases, Chairman Smith, I will devote the remainder of my testimony to summarizing the current status of those cases.

A. Patrick Finucane

Now is a critical moment in the struggle for justice in the Finucane case. As you know, the Lawyers Committee has done extensive research into the circumstances surrounding the murder and has concluded that there is compelling evidence to suggest that British Army intelligence and the RUC were complicit in the murder. Three weeks ago, Prime Minister Tony Blair met with the family of Mr. Finucane. The meeting was brokered by Taoiseach Bertie Ahern, who himself endorsed an independent inquiry after meeting with the Finucane family in February. During that meeting, Mr. Ahern was provided with a new report by British Irish Rights Watch (BIRW) that details further credible evidence of collusion. Although the same report was provided to the British Government, there has yet to be a reply to the substance of the allegations in the report.

Nonetheless, during the meeting this month with Prime Minister Blair, members of the Finucane family, along with Paul Mageean from CAJ and Jane Winter from BIRW, presented the BIRW report and other information supporting the allegation of official collusion in the murder of Mr. Finucane. Mr. Blair appeared to be deeply concerned by the allegations and pledged that he would read and consider all the evidence. He conveyed to the Finucane family that he "personally" wants to know if the allegations are true and would put anyone guilty of collusion "out of a job."

On September 8th, we wrote a letter to Prime Minister Blair to urge him to authorize an independent inquiry. As we stated in the letter, "We firmly believe that such an independent public inquiry will serve both to help learn the truth about the circumstances surrounding the murder and to publicly confirm [the British] government's commitment to establishing official accountability for human rights abuses." I have included a copy of our letter to Prime Minister Blair with my testimony and ask that it be included in the record.

Establishment of an independent inquiry would be a significant breakthrough, and we urge you, Chairman Smith, and your colleagues in the Congress to do all you can to encourage Mr. Blair to make this decision.

A look at the current status of the Stevens investigation reveals how desperately necessary such an independent inquiry is in this case. The current 18 month-long inquiry is the third such investigation by Mr. Stevens, who began the first of these investigations in 1990.

As we have testified previously, we believe the Steven's investigation is inadequate and lacks the capacity to uncover the truth about allegations of official collusion in the murder. As you may recall, we reported to you last March that Mr. Steven had arrested and brought murder charges against William Stobie, a former UDA quartermaster who worked or RUC Special Branch, in June 1999. At Mr. Stobie's bail hearing, lawyer for the Crown told the high court that recent statements made by journalist Neil Mulholland led to Stobie's arrest. However, Mr. Stobie's lawyer revealed at the bail hearing that Stobie had been interviewed in 1990 for more than 40 hours by members of the RUC Special Branch. These interviews, which included Stobie's confession to supplying the weapons used in the murder, were transcribed and have been available to the authorities since 1990. Among other things, these notes identify the names of the members of the RUC Special Branch who had been warned about the murder. At that time, the authorities never charged Stobie with murder, and the Director of Public Prosecutions dropped unrelated firearms charges against him in 1991.

Since the last congressional hearing into these matters, the charges against Mr. Stobie have been lessened to aiding and abetting murder. We have also learned that a key witness in the prosecution of Mr. Stobie may no longer be available and the charges against Mr. Stobie may be dropped entirely. If brought to trial, Mr. Stobie reportedly intends to reveal the full extent of the RUC's involvement in the murder of Mr. Finucane.

This past August, Mr. Steven's team, now directed by Commander Hugh Orde, seized thousands of intelligence documents from British army headquarters revealing new evidence of Loyalist and military collusion in the murder of Mr. Finucane that reportedly will be used to arrest new suspects. This new development contrasts with the 1995 decision of the Director of Public Prosecutions not to prosecute anyone from the military. This decision was reached despite evidence of collusion arising out of information relating to Brian Nelson, a double agent recruited by British Army Intelligence while he served as chief intelligence officer for the Ulster Defense Association. The recent discovery of these intelligence documents also suggests the involvement of Brigadier John Gordon Kerr. Mr. Kerr, now a British military attaché in Beijing, oversaw Brian Nelson at the time of the Finucane murder and allegedly gave testimony during the inquest of Mr. Finucane under the pseudonym Colonel J.

Despite compelling evidence that appears to suggest the identities of the intellectual authors of the murder, the Stevens inquiry continues to drag on. Establishment of an independent inquiry would finally ensure that the allegations of official collusion in the murder are squarely addressed.

B. Rosemary Nelson

In addition to the Finucane case, the Lawyers Committee also believes that the British Government should authorize an independent inquiry into the murder of defense lawyer Rosemary Nelson. We view resolution of her case as essential to the success of new accountability mechanisms in Northern Ireland.

As you are aware, Mr. Chairman, Loyalist paramilitaries claimed responsibility for the murder of Rosemary Nelson, who was killed

by a car bomb on March 15, 1999. Prior to her death, Ms. Nelson received numerous death threats, including those made by RUC officers relayed through her clients. Ms. Nelson never received government protection despite many appeals made to the Northern Ireland Office and the RUC to protect her life, including those made by Dato' Param Cumaraswamy, United Nations Special Rapporteur on the Independence of Judges and Lawyers. During the time that Ms. Nelson became a target of official harassment, she herself became an outspoken critic of the RUC, and, thanks to you Chairman Smith, was able to bring her case all the way to the U.S. Congress. At that time, she expressed deep fear regarding her safety and that of her family.

The current criminal investigation of Ms. Nelson's murder is lead by London detective Colin Port and has been underway for almost a year and a half. To date, the investigation team has taken 1,700 statements, spoken to more than 7,000 potential witnesses and unearthed 7,000 lines of inquiry, but has yet to charge anyone in connection with the murder. Because Mr. Port's investigation is limited to the specific circumstances of the murder, we do not believe that his team can effectively address the larger issue of who authored the crime and whether official collusion was involved. Furthermore, Mr. Port does not address the threats made against Ms. Nelson by RUC officers, and this practice continues today.

In the past we have expressed concern regarding the British Government's inadequate response to Ms. Nelson's situation, not only regarding the failure to provide her protection but also to discipline those officers alleged to have harassed her. We believe that both of these issues must be addressed if the new accountability structures established by the Police Bill are to be effective.

In particular, the new Police Ombudsmen office must be able to have full power and independence to investigate complaints against the new police force. As we have shared with you in previous testimonies, the RUC's investigation into Ms. Nelson's complaints were found to be inadequate and unsatisfactory by the Independent Commission for Police Complaints (ICPC). The file sent to the Director of Public Prosecution failed to provide sufficient evidence to support prosecution or discipline and these officers still serve as police officers. Colleagues of Ms. Nelson viewed hers as the "test case," and Ms. Nelson allegedly filed her complaint to test the adequacy of the system. To be effective, the new Ombudsman will have the added challenge of proving to those subject to police harassment that they can place their confidence in the investigation mechanism.

Our deep concern regarding accountability mechanisms in Northern Ireland has intensified since we recently learned that another lawyer was under threat and has been the target of harassment and threats by the RUC. Solicitor Padraigan Drinan was Rosemary Nelson's colleague and took on some of Ms. Nelson's cases after her death. To those who want to focus on the future, I would like to emphasize that today that the British government still has the opportunity to avert another tragedy. But it must make sure that it learns the lesson from past errors and uses them to correct a system that has completely failed to protect its citizens against police abuse.

IV. CONCLUSION

Lasting peace cannot take hold in Northern Ireland until the British Government demonstrates the willingness and ability to secure justice for the families of Rosemary Nelson and Patrick Finucane and a commit-

ment to creating a representative and accountable police force for Northern Ireland's future. Thank you.

WHY FAILING TO IMPLEMENT THE PATTEN REPORT MATTERS

(By Professor Brendan O'Leary)

The present political position in Northern Ireland

The Belfast Agreement of April 10, 1998 was a major achievement (O'Leary 1999a). Novel institution-building was flanked by peace and confidence-building processes involving cease-fires by paramilitary organisations, the release of their incarcerated prisoners, and commitments to protect human rights, entrench equality, demilitarise the region, assist in decommissioning by the proxies of paramilitaries, and the reform of the administration of justice and policing.

Implementing the Agreement was always going to be difficult. But as I deliver this testimony just four items, all in the domain of confidence-building, await full or effective beginnings in implementation. These are:

1. Decommissioning by republican and loyalist paramilitaries;
2. The reform of the system of criminal justice;
3. Demilitarization; and
4. Policing reform.

These items are inter-linked. Full demilitarization and full decommissioning are mutually interdependent. Decommissioning—the timetable for which has been postponed by the agreement of the parties who made the Agreement—is seen in republican circles as conditional on the UK government fulfilling its public promises to implement the Patten Report. A specific promise is said to have been given to that effect in Spring 2000—amidst negotiations that linked police reform, decommissioning and the lifting of the suspension of the Agreement's institutions unilaterally imposed by the UK Secretary of State in February (a measure that in many eyes breached international law).

The UK government states that it is implementing the Patten Report in full. Indeed its Prime Minister, the Secretary of State for Northern Ireland, and the Explanatory Notes issued by the Northern Ireland Office accompanying the Police Bill currently before the UK Parliament, flatly declare their intention to give effect to the recommendations of the Patten Commission. That has not been true, and is still manifestly not true.

In contrast the UK government often implies, usually in off-the-record briefings, that it cannot implement the Patten Report in full because of the 'security situation'. This more honest position, albeit in dissembling contradiction with its official one, would have credibility if the necessary preparatory legislative and managerial steps to implement Patten in full when the security situation is satisfactory had been taken. They have not.

Why the Patten Report was necessary, and its recommendations

Policing has been so controversial that the parties to the Agreement could not concur on future arrangements (McGarry and O'Leary 1999). The former Irish prime minister, Dr. Garret FitzGerald, has described policing in Northern Ireland as having the status of Jerusalem in the Israeli-Palestinian peace process (FitzGerald 2000). The parties did agree the terms of reference of an Independent Commission on policing, eventually chaired by Christopher Patten, a former Conservative minister in the region and now a European Commissioner.

To have effective police rooted in, and legitimate with, both major communities was vital to the new settlement. It would persuade all citizens that law enforcement

would be applied impartially, help extirpate that species of paramilitarism that is becoming an exclusively criminal enterprise, and foster a law-abiding climate in which to conduct business.

Eight criteria for policing arrangements were mandated in the Belfast Agreement. They were to be:

1. Impartial;
2. Representative;
3. Free from partisan political control;
4. Efficient and effective;
5. Infused with a human rights culture;
6. Decentralised;
7. Democratically accountable 'at all levels'; and
8. Consistent with the letter and the spirit of the Belfast Agreement.

The Patten Commission engaged in extensive research and interaction with the affected parties, interest groups and citizens, and published its report in September 1999. It did not, and could not, meet the hopes, or match the fears, of all; but the Commissioners, a distinguished and representative array of domestic and international personnel, undoubtedly met the terms of reference of the Agreement (O'Leary 1999b).

The Patten Report was a thorough, careful and imaginative compromise between unionists who maintained that the existing RUC already met the terms of reference of the Agreement and those nationalists, especially republicans, who maintained that the RUC's record mandated its disbanding. The Report was not, however, simply designed to address the concerns of policing Northern Ireland. It applied state-of-the-art managerial and democratic thinking in its recommendations (O'Leary 1999b).

The UK Government welcomed the Patten Report and promised to implement it. However the Police Bill presented to Parliament in the Spring of 2000 was an evisceration of Patten, and condemned as such by the SDLP, Sinn Féin, the Womens' Coalition, the Catholic Church, non-governmental and human rights organizations, such as the Committee on the Administration of Justice. It was also criticized by the Irish Government, the U.S. House of Representatives (H. Res. 447, 106th Congress), and a range of Irish Americans, including apparently, President Clinton.

To demonstrate the veracity of the critics' complaints let me briefly compare some of Patten's recommendations with the original Bill.

Impartiality: Patten recommended a neutral name, the Northern Ireland Police Service. The Royal Ulster Constabulary was not a neutral title so it was recommended to go, period. Patten also recommended that the display of the Union flag and the portrait of the Queen at police stations should go—symbols in his view should be 'free from association with the British or Irish states'. These recommendations were a consequence of Patten's terms of reference, and of the Agreement's explicit commitment to establishing 'parity of esteem' between the national traditions, and the UK's solemn commitment to 'rigorous impartiality' in its administration.

The original Bill proposed that the Secretary of State have the power to decide on the issues of names and emblems, and thereby ignored Patten's explicit recommendations.

Representativeness: Patten recommended affirmative action to change rapidly the proportion of cultural Catholics in the police, and envisaged a programme of at least ten years. Even critics of affirmative action recognized the need to correct the existing imbalance—in which over 90 per cent of the police are local cultural Protestants.

The original Bill reduced the period in which the police would be recruited on a

50:50 ratio of cultural Catholics and cultural Protestants to three years, requiring the Secretary of State to make any extension, and was silent on 'aggregation'. Patten's proposed policy for shortfalls in the recruitment of suitably qualified cultural Catholics.

Freedom for partisan control. Patten proposed a Policing Board consisting of 10 representatives from political parties, in proportion to their shares of seats on the Executive, and 9 members nominated by the First and Deputy First Ministers. These recommendations guaranteed a politically representative board in which neither unionists nor nationalists would have partisan control.

The original Bill introduced a requirement that the Board should operate according to a weighted majority when recommending an inquiry. Given known political dispositions this was tantamount to giving unionist and unionist-nominated members a veto over inquiries, i.e. partisan political control, and therefore a direct violation of Patten's terms of reference.

Efficient and effective policing. Patten avoided false economies when recommending a down-sizing of the service, advocated a strong Board empowered to set performance targets, and proposed enabling local District Policing Partnership Boards to engage in the market-testing of police effectiveness.

The original Bill empowered the Secretary of State, not the Board, to set performance targets, made no statutory provision for disbanding the police reserve, and deflated the proposed District Policing Partnership Boards—apparently because of assertions that they would lead to paramilitaries being subsidized by tax-payers.

Human Rights Culture. Patten proposed that new and serving officers should have knowledge of human rights built into their training, and re-training, and their codes of practice. In addition to the European Convention, due to become part of UK domestic law, the Commission held out international norms as benchmarks: "compliance . . . with international human rights standards . . . are . . . an important safeguard both to the public and to police officers carrying out their duties" (Patten, 1999, para 5.17). Patten's proposals for normalizing the police—through dissolving the special branch into criminal investigations—and demilitarizing the police met the Agreement's human rights objectives.

The original Bill was a parody of Patten. The new oath was to be confined to new officers. No standards of rights higher than those in the European Convention were to be incorporated into police training and practice. Responsibility for a Code of Ethics was left with the Chief Constable. It explicitly excluded Patten's proposed requirement that the oath of service 'respect the traditions and beliefs of people'. Normalization and demilitarization were left unclear in the Bill and the Implementation Plan.

Decentralization: Patten envisaged enabling local governments to influence the Policing Board through their own District Policing Partnership Boards, and giving the latter powers 'to purchase additional services from the police or statutory agencies, or from the private sector', and matching police internal management units to local government districts.

The original Bill, by contrast, maintained or strengthened centralization in several ways. The Secretary of State obtained powers that Patten had proposed for the First and Deputy First Ministers and the Board, and powers to issue instructions to District Policing Partnership Boards; and neither the Bill nor the Implementation Plan contained clear plans to implement the proposed experiment in community policing.

Democratic Accountability. Patten envisaged a strong, independent and powerful Board to hold the police to account, and to replace the existing and discredited Police Authority (Patten, 1999:para 6.23), and recommended an institutional design to ensure that policing would be the responsibility of a plurality of networked organizations rather than the monopoly of a police force. The police would have 'operational responsibility' but be held to account by a powerful Board, and required to interact with the Human Rights Commission, the Ombudsman and the Equality Commission.

The Bill radically watered down Patten's proposals, empowering the Secretary of State to oversee and veto the Board's powers, empowering the Chief Constable to refuse to respond to reasonable requests from the Board, preventing the Board from making inquiries into past misconduct, and obligating it to have a weighted majority before inquiring into present or future misconduct. Astonishingly this led the existing discredited Policing Authority, correctly, to condemn the Bill, a response that no one could have predicted when the UK Government welcomed Patten.

Matching the Agreement? Patten was consistent with the terms of reference and spirit of the Belfast Agreement. The original Bill was not, being incompatible with the 'parity of esteem' and 'rigorous impartiality' in administration promised by the UK Government. Manifestly it could not encourage 'widespread community support' since it fell far short of the compromise that moderate nationalists had accepted and that Patten had proposed to mark a 'new beginning'.

Waiting for Explanations. What explains the radical discrepancy between Patten and the original Bill?

The short answer is that the Bill was drafted by the Northern Ireland Office's officials under Secretary of State Peter Mandelson's supervision. They appeared to 'forget' that the terms of reference came from the Belfast Agreement, and that Patten's recommendations represented a careful and rigorous compromise between unionists and nationalists. Indeed they appear to have treated the Patten Report as a nationalist report which they should appropriately modify as benign mediators.

Even though Patten explicitly warned against 'cherry-picking' the Secretary of State and his officials believed that they had the right to implement what they found acceptable, and to leave aside what they found unacceptable, premature, or likely to cause difficulties for pro-Agreement unionists or the RUC.

The Bill suggested that the UK government was:

Determined to avoid the police being subject to rigorous democratic accountability.

Deeply distrustful of the capacity of the local parties to manage policing at any level, and

Concerned to minimise the difficulties that the partial implementation of Patten would occasion for First Minister David Trimble and his party, the Ulster Unionists, by minimising radical change and emphasising the extent to which the 'new' service would be a mere reform of the RUC.

Under pressure the UK Government has retreated: whether to a position prepared in advance only others can know, but skilled political management is not something I shall criticise it for.

From Evisceration to 'Patten Light'. Accusing its critics of 'hype', 'rhetoric' and 'hyperbole' the UK Government promised to 'listen' and to modify the Bill. Mr. Mandelson declared that he might have been too cautious in the powers granted the Policing Board. Indeed the Government was subsequently to accept over 60 SDLP-driven

amendments to bring the Bill more into line with Patten. This, of course, demonstrated that its original 'spin' had been a lie. Since the Bill was so extensively modified—as the Government now proudly advertises—it confirms that the original Bill was radically defective in relation to its declared objectives, for reasons that remain unexplained.

The Bill was improved in the Commons Committee stage, but insufficiently. The quota for the recruitment of cultural Catholics is now better protected. The Policing Board has been given power over the setting of short-run objectives, and final responsibility for the police's code of ethics. Consultation procedures involving the Ombudsman and the Equality Commission have been strengthened, and the First and Deputy First Ministers will now be consulted over the appointment of non-party members to the Board. The weighted majority provisions for an inquiry by the Board have gone, replaced by the lower hurdle of an absolute majority.

Yet any honest external appraisal of the modified Bill must report that it is still not the whole Patten. If the first draft eviscerated Patten, the latest version of presents a mostly bloodless ghost. The modified Bill rectifies some of the more overt deviations from Patten, but on the crucial issues of police accountability and ensuring a 'new beginning' it remains at odds with Patten's explicit recommendations.

As the Bill is about to recommence its progress through the Lords, the UK Government has started to shift its public relations. The new line is that the 'full Patten' would render the police less effective, e.g., in dealing with criminal paramilitarism. The implication is that anyone who disagrees must be soft on crime (and its paramilitary causes). The new line lacks credibility: Patten combined 'the new public management' and democratic values in a rigorous formula to ensure no trade-off between effectiveness and accountability.

Let me identify just some of the outstanding respects in which the modified Bill fails to implement Patten.

Oversight Commissioner. Patten recommended an Oversight Commissioner to 'supervise the implementation of our recommendations'. The UK Government has—under pressure—put the commissioner's office on a statutory basis, which it did not intend to do originally, but has confined his role to overseeing changes 'decided by the Government'. If Mr. Mandelson and his colleagues were committed to Patten they would charge the Commissioner with recommending, now or in the future, any legislative and management changes necessary for the full and effective implementation of the Patten Report. That he refuses to do so speaks volumes. In addition the Commissioner's role currently remains poorly specified. Since the Commissioner is a former US policeman, American government pressure might appropriately be directed towards explicitly giving his office the remit that Patten envisaged.

Policing Board. Patten recommended a Policing Board to hold the police to account, and to initiate inquiries into police conduct and practices. Mr. Mandelson has prevented the Board from inquiring into any act or omission arising before the eventual Act applies (clause 58 (11) of the Bill). I believe that this is tantamount to an undeclared amnesty for past police misconduct, not proposed by Patten. Personally I would not object to an open amnesty, but this step is dishonest, and makes it much less likely that 'rotten apples' will be rooted out, as promised.

The Secretary of State will now have the extraordinary power to prevent inquiries by the Board because they 'would serve no useful purpose', a power added at the Report

stage in the Commons—needless to say not in Patten. The only rational explanation for this power is that the Government has chosen to compensate itself for the concessions it made in the Commons Committee when it expanded the Board's remit to be more in line with Patten. So what it has given with one hand, on the grounds that it had been too cautious, it has taken away with two clumsy feet.

The Secretary of State will additionally have the authority to approve or veto the person appointed to conduct any inquiry (clause 58 (9)). And he intends having power to order the Chief Constable to take steps in the interests of economy, efficiency, and effectiveness, whereas Patten envisaged this role for the Board.

The UK Government suggests its critics are petty. Its line is 'Look how much we have done to implement Patten, and how radical Patten is by comparison with elsewhere'. This 'spin' is utterly unconvincing. The proposed arrangements would effectively seal off past, present and future avenues through which the police might be held to account for misconduct; they are recipes for leaving them outside the effective ambit of the law, and of managerial scrutiny.

And be it noted: Patten is not radical, especially not by the standards of North America. Canada and the USA have long made their police democratically accountable and socially representative. Patten is only radical by the past standards of Northern Ireland.

Ombudsman. Patten recommended that the Ombudsman should have significant powers (Patten, 1999, para 6.42) and should 'exercise the right to investigate and comment on police policies and practices', whereas in the modified Bill the Ombudsman may make reports, but not investigate (so it is not a crime to obstruct her work). The Ombudsman is additionally restricted in her retrospective powers (clause 62), once again circumscribing the police's accountability for past misconduct.

Name and Symbols. Patten wanted a police rooted in both communities, not just one. That is why he recommended that the name of the service be entirely new: The Northern Ireland Police Service.

The Bill, as a result of a Government decision to accept an amendment tabled by the Ulster Unionist Party, currently styles the service 'The Police Service of Northern Ireland (incorporating the Royal Ulster Constabulary)'. The Secretary of State promised an amendment to define 'for operational purposes'—to ensure that the full title would rarely be used, and that the parenthetical past generally be excluded. He broke this commitment at Report Stage.

Secretary of State Mandelson has been mendaciously misleading in declaring that he is merely following Patten's wishes that the new service be connected to the old and avoid suggestions of disbanding. This line is a characteristic half-truth: Patten proposed an entirely new and fresh name, and proposed linkages between the old and new services through police memorials, and not the re-naming proposed by Ken Maginnis, MP, Security Spokesman for the Ulster Unionist Party.

Patten unambiguously recommended that the police's new badge and emblems be free of association with the British or Irish states, and that the Union flag should not fly from police buildings. The Bill postpones these matters.

Why do these symbolic issues matter? Simply because the best way to win widespread acceptance for police reform is to confirm Patten's promised new beginning by following his proposed strategy of symbolic neutrality. Full re-naming and symbolic

neutrality would spell a double message: that the new police is to be everyone's police, and the new police is no longer to be primarily the unionists' police. This symbolic shift would mightily assist in obtaining representative cultural Catholic recruitment and in winning consent for the new order amongst nationalists as well as unionists. Not to follow Patten's recommendations in these respects would also spell a double message: that the new police is merely the old RUC re-touched, and remains a police linked more to British than Irish identity, i.e. a recipe for the status quo ante.

Consequences of Failing to Implement Patten in Full. Unless the UK Government makes provision for Patten to be fully implemented, there will be grave consequences.

Disaster may come in two forms. Its weakest form is taking shape. The SDLP, Sinn Féin and the Catholic Church are most unlikely to recommend that their constituents consider joining the police, and may well boycott the Policing Board and District Policing Partnership Boards. That will leave the police without Patten's promised 'new beginning', lacking full legitimacy with just less than half of the local electorate, an institutional booby-trap.

We must not forget that over three hundred police were killed in the current conflict, but we must also not forget that the outbreak of armed conflict in 1969 was partly caused by an unreformed, half-legitimate police service, responsible for seven of the first eight deaths.

In its strongest form disaster would decouple nationalists and republicans from the Agreement, and bring down its political institutions. Failure to deliver Patten will mean that Sinn Féin will find it extremely difficult to get the IRA to go further in decommissioning. The argument will be: 'The UK Government has reneged on a fundamental commitment under the Agreement so why should republicans disarm and leave people to be policed by an unreformed service?' In turn that will lead to unionist calls for the exclusion of Sinn Féin from ministerial office, and to a repeat of Mr. Trimble's gambit used earlier this year: 'decommission now or I'll resign now'.

The day before I flew to Washington I was in Northern Ireland and watched Mr. Trimble in effect repeat this threat in the Assembly under challenge from his hard-line unionist opponents. If decommissioning does not happen because of Secretary of State Mandelson's failure to deliver fully on Patten, the SDLP will not be able or willing to help prioritize decommissioning, unless it prefers electoral suicide. The IRA will find it difficult to prevent further departures to the Real and Continuity IRAs, except by refusing to budge on arms. In turn that will at some stage prompt a resignation threat from the First Minister. In short, a second collapse of the Agreement's institutions looms.

This vista and worse can and must be avoided.

Final thoughts and answers

It may be thought: 'Is this analysis partisan?'; and 'Is not Mr. Mandelson's conduct designed to help Mr. Trimble who is in a precarious position?'

My answer to the first question is 'no'. I have a long record of advocating bi-national resolutions of the conflict that are fair to both nationalists and unionists.

The answer to the second question must be a very qualified 'yes'. 'Saving David Trimble' may account for Mr. Mandelson's tampering with Patten's proposals on symbolic matters. But it does not account for his evisceration of the efforts to have a more accountable and human-rights infused service—here the Secretary of State has succumbed to lobbying by security officials.

Another answer to the second question is more straightforward: Mr. Mandelson must not unilaterally abandon or re-negotiate the Agreement or the work of Commissions sent up under the Agreement at the behest of any party.

A third answer I would propose is that pro-Agreement unionists can, eventually, accept the full Patten, because they know that a legitimate and effective police is necessary to reconcile nationalists to the continuation of the Union—the reason they signed the Agreement.

Lastly, I believe that the Patten Report is not only what Mr. Mandelson should fully implement under the Agreement as proof of rigorous impartiality in his administration, but also what he should implement even if there were to be no Agreement.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for his comments. I recognize the gentleman's work on human rights throughout the world. Not just in Northern Ireland, but throughout the world. But especially in Northern Ireland.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank my colleagues here for taking up this battle, and that is what it is. Many have been fighting this for many, many years. But since I have been here the last 4 years, we have seen progress. For the first time in Northern Ireland, people had hope. People thought peace was right there.

Well, peace is there, but we have some things that we have to work out. One of the strongest things we have to work on is making sure that we send a strong message from this great body that we have to keep with the Patten agreement.

Mr. Speaker, we have seen even in our own country when the people lose faith in the police departments, we see the anger that is in those communities. So there are things that we have to make sure that are done and the Patten agreement covers those things. The Patten agreement can work for Northern Ireland.

One of the things that we have seen constantly, every time we bring up the Patten agreement, we see them trying to chip away a little bit. They do not like the agreement. So what are they trying to do? Are they trying to break the whole fragile agreement that we have for Good Friday? This is what we are all fighting for.

Tomorrow many of us here, actually, will have 40 women from Northern Ireland. We are going to have Protestant and Catholic women. They are going to be following us around so that we can show them how legislative work goes, because they are willing to make this work. They will spend 2 weeks here in this country to see how our government works and they want to go home and make this work.

Well, the only way it is going to work is really making sure that we put the pressure on to make sure the Patten agreement is lived up to. That is our job, and it is really a small part.

We are here, we are here in Washington, D.C. We do not have to face the fear many Northern Irish people have to fear of the police officers. We can change that. Peace can come to that country. I am proud to be with all of my colleagues to stand here and make a difference.

Mr. GILMAN. Mr. Speaker, I yield 5½ minutes to the gentleman from New York (Mr. KING), a cochairman of our Irish Caucus, and a member of our Committee on International Relations.

Mr. KING. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, for yielding me this time. At the very outset I want to commend him for the outstanding job he has done for so many years, not just in the last 6 that he has been chairman of the Committee on International Relations, but for more than two decades as a real warrior in the cause of peace and justice in Ireland.

We also have to commend the gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights for the invaluable work that he has done in holding hearings that go right to the depth of the allegations against the Royal Ulster Constabulary, and right to the heart of the problems which have inflicted law enforcement and the criminal justice system in Northern Ireland for far too many years, for at least the last three decades.

Also, I have to commend the gentleman from Massachusetts (Mr. NEAL) for the tremendous work he has done, not just during the 12 years he has been in Congress, but the years before that when he was the mayor in Springfield, Massachusetts, and just for the tremendous amount of dedication and enthusiasm and unyielding tenacity he brings to this entire issue of peace and justice in Ireland.

Mr. Speaker, I know that if the gentleman from Massachusetts (Mr. MEEHAN) were here tonight, in fact he has asked me to say this on his behalf, there is nobody in the House of Representatives he looks up to more in providing moral leadership and guidance than the gentleman from Massachusetts (Mr. NEAL). And the gentleman from Massachusetts (Mr. MEEHAN) asked me to put that on the public record this evening.

As the gentleman from Massachusetts said earlier, this is a bipartisan issue. I want to commend President Clinton for the job that he has done. I know that tonight the gentleman read into the record a statement from Vice President GORE. The gentleman from New York (Chairman GILMAN) and I and the gentleman from New Jersey (Chairman SMITH) can report last week Governor Bush also has put out a statement calling for the full implementation of the Patten Commission report, which shows that this clearly is a bipartisan issue. It is an issue on which all men and woman of goodwill can stand together.

What we are faced with tonight, today, and for the next weeks and months in the north of Ireland is a true crisis. If the Good Friday Agreement is premised on concession and compromise. The Good Friday Agreement itself was a compromise. The Good Friday Agreement itself was based on very strong concessions made by all sides, particularly by the Catholic community, the Nationalist community, the Republican community who made very deep concessions in return for a pledge by the British and Irish governments that all the provisions of the Good Friday Agreement would be carried out.

Mr. Speaker, no provision was more important in the Patten Commission than the section dealing with police reform, because in the north of Ireland for three decades the Royal Ulster Constabulary was guilty of the most vicious and gross human rights violations imaginable. It is hard for us as Americans to envision in the English speaking world, in the United Kingdom which stands for the Magna Carta and justice and law, that there was such brutality systematically carried out. Not the type of brutalities that occur by accident, not those that are incidental, but brutalities that were root and branch a part of the policing in Northern Ireland.

Torture, murder of children, intentional killings, intentionally maimings. This was all part of the police policy in the north of Ireland. So the police have to be reformed. That was an integral part, the integral part of the Good Friday Agreement. And the Patten Commission, which was chaired by Chris Patten, a conservative MP, a former conservative MP, a minister in Margaret Thatcher's government, he came up with a series of reforms which, again, were themselves a compromise.

There is much that is lacking, as the gentleman from New Jersey (Chairman SMITH) has pointed out time and again. The Patten Commission itself, the Patten Commission recommendations themselves are deficient. Yet now the British Government is attempting to compromise the compromise. It is attempting to water down the compromise of the Patten Commission to come out with a series of reforms that will not be reforms at all. It will just be a readjustment of the status quo. It will be a continuation of the Royal Ulster Constabulary. Not even under a new name, because the old name will still remain. It will be a subset, but it will still be there and this is wrong.

Mr. Speaker, the entire peace process is at risk. The entire peace process is being put at risk by the British Government, by the Ulster Unionist Party, and probably nothing is more aggravating than to hear someone like David Trimble, who is head of the Ulster Unionist Party, to say that we in the Congress should not get involved, that the American Government should not get involved. The reality is that on the night the Good Friday Agreement was reached and the morning that it was

signed, David Trimble would not sign it until he was assured by President Clinton that the U.S. would stay involved. And now that we are involved he is saying that we should get out and back away from the agreement and allow it to go back to the status quo. The way it was for three decades and seven decades and even three centuries, if we want to go all the way back, where the Catholic community was systematically discriminated against and had their rights violated.

It is essential for us in the Congress to stand together. It is essential for the President to speak out as clearly as he has in the past to let the British Government know, to let Tony Blair know, let the British Secretary of State, Peter Mandelson, know that they cannot continue to violate the rights of Catholics. They cannot take the Nationalist community for granted.

The fact is an agreement was signed, an international agreement, and the British Government has the absolute obligation to enforce that agreement. It cannot back down and cannot succumb to blackmail from David Trimble, because if it does it puts at risk the entire peace process and we will go back to the situation that ruined so many innocent lives for so many years. Mr. Speaker, if that happens the blood will be on the hands of the British government and the Ulster Unionist Party.

□ 2100

Mr. CROWLEY. Mr. Speaker, I yield 2 minutes to the gentleman from the Bronx, New York (Mr. ENGEL), a stalwart leader in protecting the rights of all of the people of Ireland, particularly from the North of Ireland.

Mr. ENGEL. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY), my friend, for yielding time to me.

Mr. Speaker, I want to echo the words of all the eloquent colleagues who have spoke before me on both sides of the aisle. The gentleman from New York (Mr. KING) has it exactly right, the Good Friday Agreement of April 1998 was a compromise, and that compromise established a framework for the peaceful settlement for the conflict in the North of Ireland. Once you start to unravel a compromise, then everybody wants to change it, and that is why it is important that we stick to that compromise and not let one side try to blackmail everybody else into getting their way.

I rise in support of H.Res. 547. This vital accord which was negotiated by former Senator George Mitchell provided for the establishment of an independent commission to make recommendations on how to fix the problems and abuses that have plagued policing in the North of Ireland.

The commission lead by Sir Christopher Patten concluded its work on September 9, 1999, and proposed 175 recommendations in its final report. In May of this year, the British Govern-

ment published a bill which purports to implement the Patten report. Unfortunately, the draft bill certainly does not live up to the letter or spirit of the Patten report and dilutes many key recommendations of the Patten Commission.

The problems of the North of Ireland will never be resolved until the egregious human rights violations caused by the Royal Ulster Constabulary are permanently ended and the unit replaced by a police service truly representational of the population of the region; and as the gentleman from Massachusetts (Mr. NEAL) pointed out, the population right now is 5,446.

This important resolution that rightly calls for full and speedy implementation of the Patten Commission report is a way to correct the years of police abuses and gain the support of both nationalists and unionists for peace in the North of Ireland.

I urge passage of H.Res. 547. I hope it is unanimous, and all of us in this Congress that have worked so long for peace and justice in the North of Ireland, while it is within our grasp, we cannot let those who want to destroy the agreement to get their own ways and succeed.

Mr. Speaker, if peace is to come, then we must take the ball, we must run with it and support H.Res. 547.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, and the gentleman from New Jersey (Mr. SMITH) from the Helsinki Commission, the gentleman from New York (Mr. KING), and to my colleagues on the other side of the aisle, the gentleman from New York (Mr. CROWLEY) and the gentleman from Massachusetts (Mr. NEAL), who has introduced this resolution.

Let me say that the Good Friday Accord established an international body chaired by Chris Patten, and it called to bring a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole.

In September 1999, over 170 recommendations for change were given, such things as the power of a policing board should be looked at, the appointment of its members should be looked at carefully, the centrality of human rights, they talked about a name change, the future of full time reserves, the power of the police ombudsperson, a statutory basis to work from the International Oversight Commission. There are a number of things that were talked about in this very thorough report.

Mr. Speaker, we are disappointed that the watered-down version that has

come forth does not stand up to what the people of Ireland, North and South, wanted, a new beginning; and we believe that there is much room for improvement.

We heard just on Friday very distinguished persons, Dr. Gerald Lynch, president of John Jay College. We listened to experts who came from Ireland to talk about what was going on, Brendan O'Leary, and Martin O'Brien, and our own Elisa Massimino from the Washington office of Lawyers Committee; and they all said, person after person, that there has to be real reform; there has to be change if this new policing is going to serve all of the people.

Mr. Speaker, I would just urge that we support the resolution by the gentleman from Massachusetts (Mr. NEAL), my colleague, and that we urge a thorough look at what the Patten report really said and try to implement those changes that have been recommended in that great report.

Mr. CROWLEY. Mr. Speaker, I yield 2 minutes to my friend, the gentlewoman from New York City (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY) for yielding the time to me.

Mr. Speaker, I commend the gentleman's leadership on this issue and so many others. I rise in support of this resolution, which reaffirms our Nation's commitment to the Northern Ireland peace process and expresses our strong support for the policing recommendations of the Patten Commission.

Mr. Speaker, I thank very much the author of this bill, the gentleman from Massachusetts (Mr. NEAL), a long-term leader of the Irish Caucus, and the gentleman from New York (Chairman GILMAN) of the Committee on International Relations for his staunch and strong support.

Many of the Members of the Irish Caucus have already spoken, and it shows the strong bipartisan support that has come together on this issue. It has been well over 2 years since the Good Friday Agreement was signed and Northern Ireland has come a long way toward a lasting peace acceptable to all sides. That agreement was supported first and foremost by the people of Northern Ireland, Britain and Ireland itself.

With such broad support, the peace process has been able to withstand numerous attacks and remain on track. Nevertheless, there still are a number of obstacles that stand in the way of a permanent peace, and one of the most significant hurdles is the effective implementation of the policing recommendations developed by the Patten Commission.

Everyone agrees that police reform needs to take place, and accountability needs to be part of it. The gentleman

from New York (Mr. KING), my colleague, outlined many of the abuses and why this is such a deep-felt proposal by so many of the people. The recommendations were supported by all sides, but with one condition, that all of the recommendations were completely implemented. In this way both sides could be assured that final policing arrangements were fair to everyone.

Unfortunately, although they were issued over a year ago, these recommendations have yet to be implemented. Legislation proposed in the British parliament fails to include all of the recommendations and nationalists in Northern Ireland have expressed their displeasure with this bill.

Mr. Speaker, I end by commending the President of the United States, George Mitchell and many others who have worked hard for this peace accord; and I really urge complete and total adoption of this resolution.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself the remaining 2½ minutes.

Mr. Speaker, the devolution of power from Westminster to Belfast and its related components have been difficult endeavors for all parties involved. The terms of the negotiations demand sacrifices by loyalists and nationalists alike in order to achieve a successful implementation of the Good Friday Agreement. It troubles me to report that the sacrifices necessary for a viable solution in Northern Ireland have not been made to the fullest.

A key factor in achieving a lasting peace in Northern Ireland will be a police force that has the respect and trust of the entire population. The importance of police reforms in Northern Ireland cannot be overstated. It is essential for the local police force to garner the trust of the people it serves. The average citizen, regardless of race, religion or nationality, should be able to call on the police and have them come to carry out their functions, not serve as an occupying army.

Mr. Speaker, people can talk until they are blue in the face about how to accomplish true police reform. Unfortunately, dialogue has its limitations. True reform requires action. It has been suggested that the only way we can accurately measure police reform in Northern Ireland will be the day when young nationalists walk into a police station in Belfast, submit an application and subsequently display conduct that is honorable, ethical and enthusiastic for the people of Northern Ireland without fear of favor.

In the British parliament, the Northern Ireland Police Bill has been introduced as the vehicle for implementing the Patten Commission. However, there is a significant disparity between the bill and the recommendations proposed by Mr. Patten in his report.

Mr. Speaker, failure to bridge this gap could put the peace process in extreme peril. Just yesterday, Northern

Ireland First Minister David Trimble met Northern Ireland Secretary Peter Mandelson at the Labour Party Conference in Brighton to warn him that the Good Friday Agreement could collapse if the British Government did not make concessions to his party with regard to reform of the Royal Ulster Constabulary.

There has been an effort on the part of the British agreement to dilute the recommendations of the Patten Commission. I view this report as the minimum that must be done to promote equity and equality in policing in Northern Ireland. I am concerned by the government's recent approach of the cherry-picking parts of the Patten Commission as if it were an a-la-carte menu.

Mr. Speaker, I have had the opportunity to meet Mr. Patten, so I know the countless hours he has put into a proposal that should be the blueprint for a new force.

This process was fair and open to all sides. To make changes at this point to a plan that was so carefully crafted will not serve anyone well. This report and this commission would not have been needed if there was not an injustice to correct.

Mr. Speaker, I urge the British Government to follow the spirit of the Good Friday Agreement and uphold their commitment. I want to thank my colleagues here this evening, especially the gentleman from Massachusetts (Mr. NEAL), for offering this measure; the gentleman from New York (Mr. GILMAN); the gentleman from New York (Mr. KING); the gentleman from New Jersey (Mr. SMITH); and all the other colleagues.

I want to thank this administration who deserves a great deal of the credit for bringing this process forward, particularly Mr. Mitchell. I hope we can bring the Mitchell amendment, or measure, before us calling upon the Noble committee to give him the Noble Peace Prize. I do not think anyone deserves it more than he does at this point in time.

Mr. Speaker, a vote in favor of this resolution will send a message to our friends across the Atlantic that the United States supports its efforts and encourages the adherence of all aspects of the Good Friday Agreement without exception; and, therefore, I urge my colleagues to support H. Res. 547.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me close by noting that some in unionism say Patten's police reforms go too far too fast. I have here in my hand a 1985 Belfast newspaper, the Irish News, where the SDLP's Seamus Mallon was calling for RUC reform more than 15 years ago. This is dated August 19, 1985.

Mr. Speaker, I call on the British parliamentarians to let us get on with police reform and let us live by the Good Friday Accord. Accordingly, I urge my colleagues to cast a strong vote in support of H. Res. 547.

Mr. MENENDEZ. Mr. Speaker, I am pleased to be an original cosponsor of this resolution, and I congratulate Mr. NEAL for authoring it. With this Sense of Congress, we commend the parties to Northern Ireland's peace process for their achievements to date. But, we also call on the British Government to come to its senses on the issue of police reform.

All the parties deserve praise for the progress they have made so far. The Good Friday Agreement stands as a remarkable achievement and the best hope for lasting peace in Northern Ireland.

The seating of Northern Ireland's new executive, alongside the power sharing Assembly, was a crucial step towards solidifying peace and democracy in Northern Ireland.

Also critical were IRA steps towards disarmament. Weapons decommissioning is one of the two most pressing and sensitive issues facing Northern Ireland.

The other is police reform.

Without full implementation of the recommendations for police reform made by the Patten Commission—a commission called for in the Good Friday Agreement—a full peace will remain elusive.

Common sense calls for the name of the police force—the Royal Ulster Constabulary (and I cannot imagine a more British-sounding name than that)—to be changed. And for the membership in the police force—now 93 percent Protestant and a scanty 7 percent Catholic—to be formed more equitably to reflect the near even population split in the community.

Mr. Speaker, we are once again at a perilous point. The answers lay in moving forward to full implementation of the Good Friday accords—to pull participatory, accountable and representative government and rule of law in Northern Ireland—not in stagnation and trepidation.

Vote today to support this important resolution.

Ms. ESHOO. I rise today in support of this Resolution which commends both groups for their progress towards implementing the Good Friday Peace Accords. This momentous peace agreement is just the first of many difficult steps that must be taken to ensure equality.

The Peace Accords created an Independent Commission to make recommendations on the Northern Island policing forces. This Resolution urges the swift implementation of the recommendations of the Independent Commission. The Independent Commission calls for further integration of Catholics into the policing force to 16% in four years and 30% in ten years and for new badge and symbols free of the British or Irish states. It also includes a dramatic reduction in the size of the force from 11,400 to 7,500 full-time personnel. These recommendations are vital to the long-term stability of the peace agreement. It is crucial that the policing force somewhat represent the community that it is meant to protect. The Royal Ulster Constabulary is 92% Protestant and serves a community comprised of 56% Protestant and 42% Catholic.

Mr. Speaker, Belfast is the last city in Europe to be divided by a wall. Let's take an important step and pass this Resolution to begin the movement for equality.

Mr. GEJDENSON. Mr. Speaker, I rise in support of H. Res. 547, introduced by my good friend and colleague, Congressman NEAL of Massachusetts.

All parties should be commended for progress under the Good Friday Accord of

April 1998. What was once described as an intractable conflict between Nationalists and Unionists in Northern Ireland never to be solved, has seen unprecedented calm and cooperation under the Good Friday Framework guided by Senator George Mitchell.

The seating of the executive of the power-sharing Assembly was a crucial moment of solidifying peace in Northern Ireland. Nonetheless, two sensitive areas of implementation under Good Friday lagged behind the others: weapons decommissioning and police reform.

The impasse over weapons decommissioning became so strong that it first halted implementation of the Executive last fall, and then forced its suspension in February just as it had been established. A settlement emerged when the Irish Republican Army agreed to allow its weapons dumps to be inspected by a distinguished international group led by former Finnish President Martti Ahtisaari and former African National Congress general secretary Cyril Ramaphosa. The weapons dumps were inspected and the National Assembly resumed in April.

Subsequently, the other looming issue of police reform moved to the fore. The Good Friday Accord called for police reform because it is apparent that a police force composed of 93% Protestant and 7% Catholic could not have sufficient credibility with a Northern Ireland community that is split 58% Protestant, 42% Catholic.

To help create a police force that had credibility across all communities, Chris Patten, a leader in Britain's Conservative Party and former Governor of Hong Kong, was enlisted to produce a blueprint for the future. His 1999 report recommended wholesale change including restoring democratic and local accountability to policing, changing the police force's symbols (name, insignia, uniform) to make them community-neutral, as well as downsizing and re-balancing the composition of the force to reflect the make-up of the communities in Northern Ireland.

It is important to note that this document represented a compromise itself. While the current version of the implementing legislation in the British House of Commons incorporates a number of the Patten recommendations, it falls short in a few—particularly in the area of the name change of police service, where it postpones a decision. While only symbolic, the current name of the police service, the Royal Ulster Constabulary, infuriates Nationalists because the name implies allegiance to the Queen and uses the British term for Northern Ireland—anathema for recruiting more Nationalists into the police service. The Patten Commission recommended the more neutral "Northern Ireland Police Service."

The current version of the bill in the British House of Commons still fell short enough that moderate Nationalists such as Seamus Mallon abstained when it came up for vote in June. Peace has persevered in Northern Ireland over the past two years when leaders from both sides have followed the tenets of the Good Friday Accord. Good Friday called for full and thorough police reform and the Patten Commission delivered that fair reform. It should be implemented in full.

As the Washington Post said in an editorial in July, "... the onus remains on the British government to respond to Catholic objections. This is because the Catholics have the Good Friday Agreement on their side. The deal

called for the appointment of a special police commission, headed by a respected British politician, Chris Patten; the ensuing report laid down the contours of reform. The Catholic side is only asking that this report be implemented fully. London should be happy to do that . . ."

I urge my colleagues to support H. Res. 547.

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today in strong support of House Resolution 547, a bipartisan resolution calling upon the British Government to fully implement reforms to Northern Ireland's police force. These reforms are long overdue and are a crucial part of the overall peace process in this troubled region.

After a quarter century of political violence that left thousands dead, the people of Northern Ireland have taken a brave step forward. The Irish are on the brink of a new era of peace with Catholics and Protestants, for the first time, sharing in government responsibility. The people have spoken and the spirit of peace is alive and strong.

As part of the historic Good Friday Agreement, an independent commission was established to make recommendations for future policing needs. The focus of the report was to take politics out of the police force. The population of Northern Ireland is divided almost equally between Protestants and Catholics, yet the police force is nearly entirely made up of Protestants. With a record of brutality and human rights abuses, this type of demographic cannot work to protect the citizens fairly. In order for these communities and families to feel safe, reforms are desperately needed.

When the Patten Commission completed its report, it included almost 200 recommendations. Among other things, the Patten Commission calls upon the Royal Ulster Constabulary (RUC) to change names and symbols, to increase the number of Catholic officers and to provide human rights training and a code of ethics. We must all remember that the Patten report itself was a compromise between the Unionist and Nationalist perspectives. It is not acceptable to compromise further on a compromise already made. The Patten report must be implemented without any significant change.

I have a deep interest in seeing the historic Good Friday Agreement go forward and policing reform must go hand in hand with this effort. We must work to advance this peace process and implement each and every one of the Patten report's recommendations.

It is not an easy task that the Irish have before them, but rather an extremely difficult and defining one. As the world's greatest superpower and home to over 40 million Irish-Americans, the United States must honor its commitment and stand up for peace and justice. We must lead in promoting human rights for all the world's citizens and lend our strong support to the people of Northern Ireland as they continue this journey towards peace.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PITTS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 547, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PEACE THROUGH NEGOTIATIONS ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5272) to provide for a United States response in the event of a unilateral declaration of a Palestinian state, as amended.

The Clerk read as follows:

H.R. 5272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peace Through Negotiations Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Resolving the political status of the territory controlled by the Palestinian Authority is one of the central issues of the Arab-Israeli conflict.

(2) The Palestinian threat to declare an independent state unilaterally constitutes a fundamental violation of the underlying principles of the Oslo Accords and the Middle East peace process.

(3) On March 11, 1999, the Senate overwhelmingly adopted Senate Concurrent Resolution 5, and on March 16, 1999, the House of Representatives adopted House Concurrent Resolution 24, both of which resolved that: "any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition."

(4) On July 25, 2000, Palestinian Chairman Arafat and Israeli Prime Minister Barak issued a joint statement agreeing that the "two sides understand the importance of avoiding unilateral actions that prejudice the outcome of negotiations and that their differences will be resolved in good-faith negotiations".

SEC. 3. POLICY OF THE UNITED STATES.

It shall be the policy of the United States to oppose the unilateral declaration of a Palestinian state, to withhold diplomatic recognition of any Palestinian state that is unilaterally declared, and to encourage other countries and international organizations to withhold diplomatic recognition of any Palestinian state that is unilaterally declared.

SEC. 4. MEASURES TO BE APPLIED IF A PALESTINIAN STATE IS UNILATERALLY DECLARED.

(a) MEASURES.—Notwithstanding any other provision of law, beginning on the date that a Palestinian state is unilaterally declared and ending on the date such unilateral declaration is rescinded or on the date the President notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that an agreement between Israel and the Palestinian Authority regarding the establishment of a Palestinian state has been concluded, the following measures shall be applied:

(1) DOWNGRADE IN STATUS OF PALESTINIAN OFFICE IN THE UNITED STATES.—

(A) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) as enacted on December 22, 1987, shall have the full force and effect of law, and shall apply notwithstanding any waiver or suspension of such section that was authorized or exercised subsequent to December 22, 1987.